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Montana High
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A guide to
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high school
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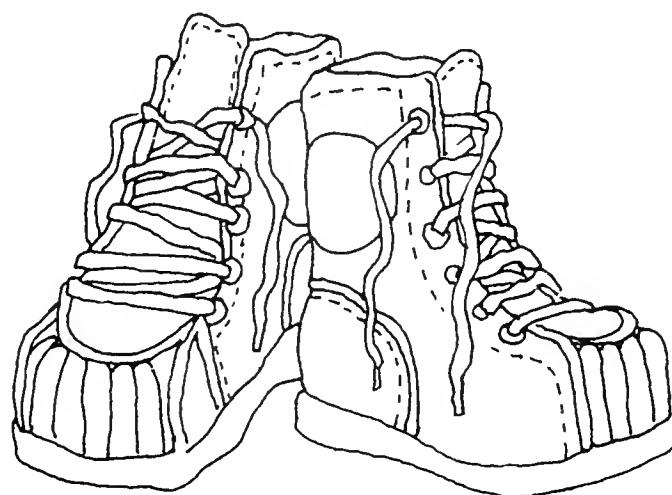
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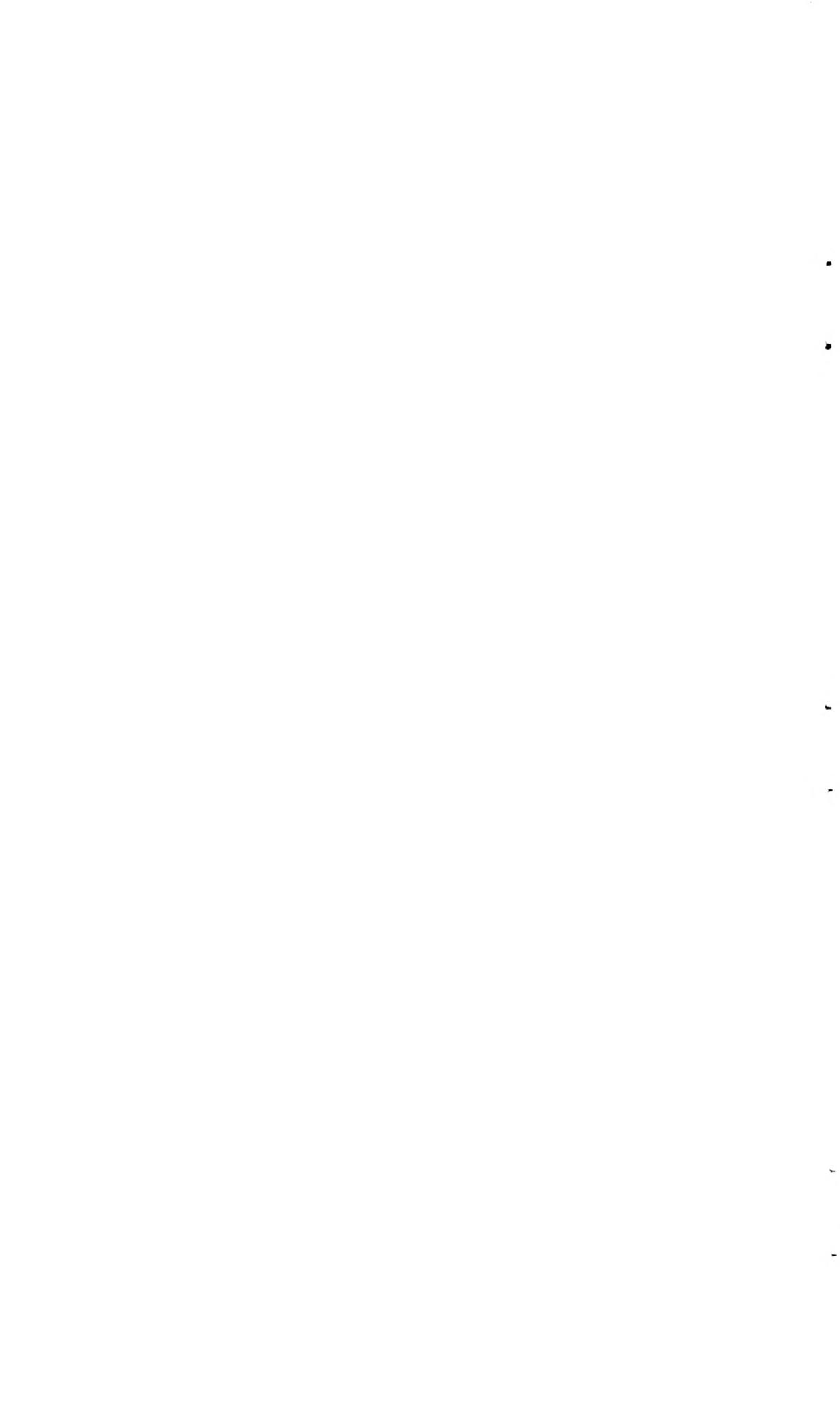
A GUIDE TO EQUITY IN MONTANA HIGH SCHOOL ATHLETICS

A Handbook for
Students, Schools, Parents and Others



Montana High School Association
and the
Office of Public Instruction

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Students, Schools, Parents and Others**

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and the
Office of Public Instruction
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1. WHAT THIS HANDBOOK IS ABOUT

Whether you are female or male, you are entitled to equal education opportunities. Equity in education is not only a good idea; it's the law. It may at times seem complex, but it is based on a very simple and fundamental human right: a person is entitled to equal treatment regardless of his or her gender.

Title IX of the Education Act Amendments of 1972, a law more commonly called "Title IX," gives you the right to an education that is free of bias, stereotyping and any other form of sex discrimination. It guarantees equal opportunities in all aspects of school life—academics, counseling, school rules, athletics, etc.

This handbook will help you understand Title IX as it applies to high school athletics. It explains the general reasons for equal opportunity in athletics and the specific 1983 *Settlement Agreement* to eliminate sex discrimination in Montana school athletics, an agreement that resulted from a lawsuit known as the Ridgeway decision. It outlines your rights and responsibilities as a student and those of your school district and the Montana High School Association, who are responsible for ensuring equal treatment of athletes.

The handbook explains the grievance procedures you can use for complaints about sex discrimination and tells you who to contact for more information. Questions and answers about familiar school situa-

tions also will help you understand the Settlement Agreement.

The handbook itself is neither the law nor the Settlement Agreement, but an explanation of them.

When you are aware of your rights to a nonsexist education, you can exercise them. Along with those rights come certain responsibilities. This handbook will help you understand the importance of both as they relate to high school athletics. It was written for students, but it should also be used by teachers, school administrators, trustees, parents and others.

If you do not understand parts of this booklet, or if you feel that you or your fellow students do not have equal opportunities because of gender, you are encouraged to discuss those concerns with your school's Title IX Coordinator.

Your Title IX Coordinator is _____

2. WHAT IS TITLE IX?

In 1972 Congress passed a law called Title IX of the Education Amendments. It stated:

“...no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving financial or federal assistance.”

In simple terms, the law says that **all** students are equally important, **all** students should be treated fairly, **all** students should have a chance to participate in educational activities based on **interest and ability** rather than on gender.

Under Title IX, your school must make certain that this law is really working in your school system—that your rights and opportunities are *not* decided on the basis of whether you are male or female.

After Title IX was passed in 1972, females began to have a more equitable share of educational opportunities, especially in athletics. As a result:

- Basketball and track programs offered to girls almost equalled those offered to boys.

- Financial opportunities through athletic scholarships increased for women from almost ZERO to more than 10,000 in 1985. In fact, every woman on the gold medal-winning U.S. basketball team in the 1984 Olympics in Los Angeles had received athletic scholarships.
- Athletic budgets for women at colleges and universities rose to 16.4 percent in 1980.
- In 1984 intercollegiate athletic programs for women jumped to over 150,000, up from 16,000 in 1972.

It is important to remember that while *Title IX covers all aspects of equal opportunity in education*, this particular handbook explains only Montana's Settlement Agreement in athletics.

Schools are responsible for seeing that every student is given equal opportunities, regardless of gender. It's *your* responsibility to learn your rights and to know and respect the rights of others.

3. THE SETTLEMENT AGREEMENT

Under both Title IX and the Montana Constitution, discrimination on the basis of sex is against the law. In 1982 three Montana citizens sued the Montana High School Association (MHSA), the State Office of Public Instruction and three Montana school districts, claiming that students were being denied equal opportunities in extracurricular high school sports. They said that compared to boys, girls were offered fewer MHSA-sanctioned sports, seasons that were out of synch, less practice time, less funding and less adequate equipment, coaching, transportation, school support and other opportunities related to athletics.

This case became known as the Ridgeway lawsuit, named after one of the plaintiffs.

All parties to the lawsuit agreed to settle out of court by developing and following a Settlement Agreement which specifically outlines the changes required by law to make extracurricular athletic programs fair and equitable. These changes are now in progress. (The full text of the Settlement Agreement is in your school library.)

The idea behind equal opportunity in athletics is to allow you to participate in school sports on the basis of interest and ability rather than on the basis of gender.

4. MHSA RESPONSIBILITIES

The Montana High School Association (MHSA), which governs the state's interscholastic activities, and local school districts are responsible for ensuring equal opportunities in athletics. This section explains MHSA's responsibilities under the Settlement Agreement.

Number of MHSA-Sanctioned Sports

MHSA is required to sanction the same number of sports for females and males. It seeks this balance through a fair arrangement of seasons and open and single-gender sports. MHSA currently sanctions the following sports:

Fall Girls Cross Country
 Boys Cross Country
 Girls Basketball
 Football

Winter Boys Gymnastics
 Girls Gymnastics
 Boys Swimming
 Girls Swimming
 Boys Basketball
 Wrestling
 Girls Volleyball

Spring Girls Track
Boys Track
Girls Tennis
Boys Tennis
Girls Golf
Boys Golf
Girls Fast Pitch Softball

Wrestling and football are open sports; girls and boys may go out for them. In single-gender sports, a student may not go out for the opposite sex's team. In other words, a girl may go out for girls basketball, but not boys basketball. A boy may go out for boys tennis, but not girls tennis.

What if a school offers more sports for boys than girls or vice versa?

The Settlement Agreement says that the school district *must* provide equal athletic opportunities, and it has some options for doing so. In other words, the goal (equal opportunity) is fixed, while the methods to achieve it may vary.

A school district may solve the problem of an unequal number of sports by setting up a single-gender team for the gender group that does not have one (for example, set up a girls swimming team if there is only a boys swimming team) or by integrating an existing sport (change the boys swimming team to one open to both boys and girls).

More about school district options is found in Section 5 (page 14).

Season Length

MHSA shall offer athletic seasons (practice, regular season and tournament play) of approximately the same length for the same sport played by males and

females. For example, the boys basketball season should be approximately the same length as the girls basketball season. If the seasons are not the same length, the same gender must not always receive the shorter season. Instead, care should be taken to rotate which gender's team has the longer season.

Seasonal Continuity

MHSA shall require that the breaks between the various athletic seasons do not differ by more than 7 days for boys and girls sports. For example, if there is a 9-day break between a boys fall sport and a boys winter sport, but 18 days between a girls fall sport and a girls winter sport, the breaks should be adjusted to have a difference of no more than 7 days.

Elimination of Overlapping Seasons

In order to allow students to participate in sports from one season to the next, the athletic seasons should not overlap. For example, if a girl wishes to participate in gymnastics in the winter and track in the spring, or if a boy wants to go out for wrestling in the winter and tennis in the spring, the seasons should not overlap so that they can go out for both sports.

MHSA Recruiting Efforts

Montana's girls basketball (fall) and girls volleyball (winter) seasons are different than those of other states. Thus, MHSA shall work with school districts to improve the recruitment opportunities for the athletes affected by these seasonal differences.

MHSA can enhance recruitment efforts by informing all colleges of the seasons of these sports.

Tournament Locations

MHSA's Board of Directors shall select tournament and statewide meet sites at locations that suit the specific events. For example, the board should consider if the facility has adequate seating and if the community has adequate hotel/motel and restaurant facilities for teams and fans.

Coaching Requirements

MHSA shall make efforts to ensure that males and females have equal opportunity in the selection of coaches for athletics.

Officials

Officials hired by MHSA to officiate boys and girls post-season tournaments shall be equally qualified. The Montana Officials Association (MOA) rating system shall be used to determine "equally qualified."

Press Releases

MHSA shall give equal emphasis in all girls and boys athletic contests when it issues press releases. It also shall encourage news organizations to extend equal coverage.

5. SCHOOL DISTRICT RESPONSIBILITIES

In this handbook, the term *school district* refers not only to the school district, but also to the individual schools within the district.

According to the Settlement Agreement, a student's school district, along with MHSA, is responsible for ensuring equal opportunity in school athletics. This section outlines the school district's responsibilities.

Number of Sports

The Settlement Agreement says that a school district shall offer the same number of MHSA-sanctioned sports for females and males during the school year, *unless* it discovers through a survey that there is not enough interest in an additional sport for the gender that has fewer sports. In other words, if a school district offers fewer sports for girls than for boys, and girls are interested in an additional sport and say so on a survey, the school district must try to see that their interests are met.

If the school district finds through its survey that there is not enough interest in adding an MHSA-sanctioned sport to make things equal, it must make an effort to generate interest in one. In this way, it can make sure that students' interest is genuinely based on information and understanding of the sport, not on

a lack of knowledge about it.

The school district can generate interest by giving potential participants the chance to learn about the sport not offered. It can show films or videotapes of the sport or take students to watch an actual event. Intramural programs in sports not offered may also be used to create interest.

After the school district has tried to create interest in the sport, it must once again survey the students. If they are now interested in having the sport, the school district shall offer it to the extent of its financial ability. However, limited funds are not reason enough for offering an unequal number of sports for males and females.

EXAMPLES:

Your school district has an unequal number of sports: it offers girls tennis, but not boys tennis. A survey shows that boys are not interested in having a boys tennis team. In fact, they know little of the sport as a competitive one and have never seen an actual tournament of school teams. Why should they be interested in something they don't really know about?

The school district arranges for the boys to watch a tennis tournament. It then surveys the boys again to see if they are interested in a boys tennis team. Now that they understand how exciting tennis can be, they are very interested in having a team, and the school raises the funds to set one up. The school district now has an equal number of sports opportunities.

Your school offers more athletic opportunities to boys than to girls. A survey shows that not enough girls are interested in having an additional sport, even after they talked to some athletes and watched several events to see what the sport is really like. What should your school do?

The following year, your school district must again use the survey process to generate interest in an additional sport.

Again, the options for achieving equal opportunity in athletics work toward the same goal: making certain that *all* students have a chance to participate in sports based on interest and ability, not on gender.

Coaches

The school district shall hire the best available, qualified coaches for regular season athletic contests for males and females.

(The full text of the Settlement Agreement, which may be found in your school library, gives guidelines for evaluating coaching performances as well as ways to identify and resolve inequities in coaching.)

Team Support

The school district shall equally provide male and female athletes any of the following types of support during the school year:

- Pep assemblies
- School announcements
- Rosters
- Programs
- Pep band
- Cheerleaders
- Drill team

During the school year, regular season athletic events for males and females shall have comparable band and cheerleader support.

Publicity

When the school district issues press releases and advertising of athletic events, it shall place equal emphasis on female and male sports. Particular attention should be given to equal emphasis in school publications, such as the school newspaper and yearbook. Coverage of male and female sports should be equal in *all* publications.

Schedules and Facilities

The school district shall ensure that girls and boys teams have equal access to prime time for practice and contests during the times of the day and days of the week. (Prime time practice hours are those immediately after school and before the evening meal—for regular season contests, Friday night, Saturday night and Saturday afternoon.)

Practices and contests must be scheduled on fields or in facilities which give equal advantage for boys and girls teams. The teams shall be given equal time on fields/facilities in which they play their home, regular season contests.

Use of Support Facilities

The school district shall provide male and female athletes equal access to gymnasiums, locker rooms, training rooms and laundry facilities.

Number of Contests and Practices

The school district shall schedule the same number of contests and provide the same opportunities for practice for both female and male participants.

Holidays, school breaks and coaches' decisions may bring about minor differences in the total number.

Recognition Boards, Halls of Fame and Trophy Cases

Comparable recognition to boys and girls sports shall be given in all school displays. If the school district has an athletes hall of fame, it should be open to both genders, or there should be one for each gender.

Meals

If the school district provides a meal allowance for student athletes, it must be the same for females and males.

Transportation

When transportation to athletic events is provided, it shall be provided on an equal basis. The school district shall use these criteria to determine the type of transportation used:

1. Miles to be traveled
2. Length of the trip
3. Time of year and road conditions
4. Number of athletes and amount of equipment

Overnight Accommodations and Out-of-State Trips

If the school district provides overnight accommodations for athletes, the quality of the accommodations must be similar for males and females. Also, room assignments for athletes should be made on an

equal number basis (for example, two boys to a double room and 6 girls to a double room is NOT an equitable assignment).

When out-of-state trips are provided by the school district, they shall be provided equally to both sexes when contests with out-of-state teams are available.

Uniforms, Accessories, Equipment and Supplies

Uniforms, accessories, equipment and supplies shall be of similar quality and replaced with similar frequency for both sexes.

Trainers

If the school district uses an athletic trainer, her/his services shall be available to members of boys and girls teams on an equal basis, considering the health needs of the athletes.

Officials

The best available, qualified officials shall be hired by the school district for regular season athletic contests for males and females. The ratings of the Montana Officials Association shall be used for officials' qualifications.

Recruiting Efforts by School Districts

Because the Montana seasons for volleyball and girls basketball differ from those of other states, the school district shall work with MHSA to improve recruitment opportunities for female athletes who play these sports.

Booster Clubs and Other Support Groups

The school district shall encourage support from booster clubs and similar groups of fans—students and adults—on an equal basis for females and males. The school district cannot help or receive assistance from groups that only support athletes of one gender unless there is another support group that backs athletes of the opposite gender.

6. SCHOOL POLICY, EQUITY COORDINATOR, GRIEVANCE PROCEDURES

Suppose you feel that you or your fellow students have been the victims of sex discrimination in athletics. What do you do? This section explains what the Settlement Agreement says about school equity policies and how to use them.

Sex Equity Policy and Coordinator

The Settlement Agreement says that your school district shall have a policy on sex equity in athletics. It shall designate a coordinator responsible for making sure that the district's policy and grievance procedures are administered properly. (Your coordinator's name is on page 6). Both the policy and information about the coordinator and grievance procedures shall be distributed to students, faculty, staff and parents.

Each school district shall keep at least one copy of each of these for use by students and parents within the district:

1. The school district's grievance procedure
2. Administrative Rules of Montana, 10.6.101 et seq., more commonly known as the Rules for School Controversy.

Grievance Procedures

If a student athlete feels that he/she has not received equal opportunity because of gender, three steps may be taken.

First, a solution may be sought through the school district. The Title IX coordinator (listed on page 6) can explain the school district's method for resolving an alleged violation of a student's rights.

If the student or another interested person is not satisfied with the school district's solution, he or she may request action by the county superintendent of schools, using the grievance procedures established by Montana Office of Public Instruction regulations. A decision by the county superintendent may then be appealed to the State Superintendent of Public Instruction, then further appealed to a district court, as provided by law.

The student or interested person may also contact MHSA officials, who will look at the case and decide if the minimum requirements of the Settlement Agreement have been met. If MHSA finds that these requirements have not been met, it will take the steps necessary to assure that they are, through a hearing and due process.

These grievance procedures and the Settlement Agreement do not prohibit a person from pursuing other legal remedies, state or federal.

7. QUESTIONS AND ANSWERS

The following questions and answers were excerpted from a panel discussion at a Title IX workshop in Helena, November 1985.

A school district offers five sports for boys and four sports for girls. What must the school district do to comply with the Settlement Agreement?

If the district chooses to keep five boys sports, it must survey the girls enrolled in the high school to determine their interests and abilities. (A sample student interest survey is available from the Montana High School Association.) The administrator and board of trustees must then use the survey information to determine an additional sport for girls. When they make their final decision on the additional sport, they also may take into consideration travel distances, existing facilities and the desire to continue sports already offered in the school.

A school district offers MHSA-sanctioned volleyball for girls. A male student in the school asks if he may try out and participate on the team. What is the district's response?

It must respond no. Boys may not participate on girls athletic teams because their participation would severely hinder the participation of girls on such

teams. Volleyball is designated as a girls sport and remains open only to female participation in an effort to make up for past discrimination. If males wish to participate, schools may begin intramural programs, request that MHSA sanction boys volleyball or establish a separate team for boys only.

A female student has no interest in competing in girls basketball or volleyball but asks to try out and participate on the football and wrestling squads. Is her request granted?

Yes. The Ridgeway Settlement Agreement stipulates that girls may compete in MHSA-sanctioned football and wrestling.

A school district fields both a volleyball team and a boys basketball team in the winter. Since the girls basketball team does not have to compete with another sport for the gym space in the fall, and therefore receives "prime time" for practice, does the boys basketball team also receive unrestricted access to prime time for practice?

No. Because both sports use an indoor court, and because in most instances schools do not have two comparable facilities, girls volleyball and boys basketball must equally share prime time practice periods.

The school district's athletic director schedules a number of Thursday night and Saturday afternoon girls basketball games for the school's team. During boys basketball, the boys basketball team plays only Friday and Saturday night games. Is there a problem here?

Yes. Girls basketball must have equal access to the same contest prime times—Friday and Saturday nights—as boys basketball.

The school district's band director is concerned about "burning out" band members by having the pep band perform at every home athletic contest. What must be understood about the number of appearances the pep band makes during the year for male and female teams?

Bands must appear at the same number of athletic contests for males as for females during the regular season of respective sports. If a pep band appears at 15 athletic events for boys, it must appear at 15 athletic events for girls.

A school district's high school newspaper is not covering any of the school's girls volleyball matches, but it is covering all of the boys sports. What must the administrator do?

The administrator should discuss the imbalance with the newspaper's advisor. A school district must make a good faith effort to provide comparable coverage of male and female activities.

A school district conducts a student interest survey and finds that the girls are most interested in competing in tennis. The school district and community do not have tennis courts. What must the school district do?

It must explore the feasibility of building team courts. If this option seems too costly, it may add the sport that is the second choice of the majority of the girls surveyed.

Only six girls try out for the volleyball team, which needs a minimum of six members. Must the school district carry through with supporting the team?

The district must review its policy and past practice. If it has offered a boys sport when the minimum participate—such as basketball when only five have participated—then it must offer girls volleyball.

The locker room facilities for girls are not as large as those for boys. Must the school district build a new facility with equal locker space?

A school district is not required to build a new facility or addition. If the existing facility does not meet the athletes' needs, the use of locker rooms may be rotated between the genders so that the locker room accommodations meet those needs.

With the increase in the number of athletic opportunities for girls, your school must hire more coaches. Comparable boys sports require that the coaches be certified teachers. Coaches for girls sports are not certified teachers. Is this practice illegal?

Although Title IX says that the genders must receive comparable coaching, because of the Ridgeway Settlement Agreement, current coaching requirements under MHSA rules and regulations are sanctioned. MHSA is protected from liability in this instance as long as it is working to improve the situation. At MHSA's 1986 annual meeting, coaches were placed under the same requirements.

Should boys be encouraged to be cheerleaders?

Yes. It is not only equitable, it allows small districts with few students to provide team support for activities. Mixed gender cheerleading squads are common at most colleges and universities and at many high schools around the country.

8. FOR MORE INFORMATION

Additional resources on Title IX and the Settlement Agreement may be obtained from:

Montana High School Association
1 S. Dakota Ave.
Helena, MT 59601
442-6010

Department of Special Services
Office of Public Instruction
State Capitol
Helena, MT 59620
444-3693



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